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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,740	04/16/2004	Jason B. Case	5150-75401	1357

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Jeffrey C. Hood
Meyertons, Hood, Kivlin, Kowert & Goetzel PC
P.O. Box 398
Austin, TX 78767

EXAMINER	
DAS, CHAMELI	

ART UNIT	PAPER NUMBER
2192	

MAIL DATE	DELIVERY MODE
10/13/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/826,740	CASE ET AL.	
	Examiner	Art Unit	
	CHAMELI C. DAS	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 August 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-13,15 and 18-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3-13, 15, 18-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application.
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the RCE filed on 8/18/2010.

2. Claims 1, 3-8, 12, 13, 15, 19, and 22-28 have been amended.

3. Claims 2, 14, 16, and 17 have been cancelled.

Drawings

4. The drawings filed on 4/10/2006 have been accepted by the Examiner.

Examiner's Notes

5. Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Oath/Declaration

6. The applicant's oath/declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in 37 C.F.R. 1.63.

Claim Objections

7. Claim 19 is objected to because of the following informalities:

Claim 19 is a dependent claim. Claim 19 does not indicate any parent claim. The examiner interprets claim 19 depends on claim 15.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 3, 13, 15, and 18-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Kudukoli et al, US 20010020291, hereinafter (Kudukoli).

As per claim 1 Kudukoli discloses:

- A computer accessible memory medium storing program instructions executable by a processor to (Abstract, [0013], [0028], [0063], [0080]):
- receive from a requesting program a request to determine an invocation interface of a stored graphical program, wherein the invocation interface is usable to invoke execution of the graphical program ([0026], [0021], [0259]);

- programmatically determine the invocation interface of the graphical program in response to the request (Abstract, [007], [0010], [0021], wherein programmatically determining the invocation interface [0098], [0100], [0102] includes programmatically determining one or more parameters that should be passed to the graphical program when invoking execution of the graphical program ([100], [0102], [0144], [0261]) ;

- and return information specifying the invocation interface of the graphical program to the requesting program ([0237], [0238]).

As per claim 3 the rejection of claim 1 is incorporated and further Kudukoli discloses:

- wherein said returning the information specifying the invocation interface of the graphical program comprises returning the information specifying_the one or more parameters that should be passed to for invoking the graphical program([100], [0102], [0144], [0261] [0237], [0238]).

As per claim 4 the rejection of claim 3 is incorporated and further Kudukoli discloses:

- wherein said programmatically determining the or more parameters comprises programmatically determining data types of the one or more parameters; and wherein said returning the information specifying the one or more parameters comprises returning information specifying the data types of the one or more parameters ([006], [0100], [0237])

As per claim 5 the rejection of claim 3 is incorporated and further Kudukoli discloses:

- further storing program instructions executable by a processor to: generate data describing the data types of the parameters for invoking the graphical program ([0035], [0016], [0018], [0025], [0026]);
- wherein said returning the information specifying the data types of the parameters for invoking the. graphical program comprises returning the data describing the data types ([0100], [0101], and [0124]).

As per claim 6 the rejection of claim 4 is incorporated and further Kudukoli discloses:

- further Storing program instructions executable by the processor to: generate XML data describing the data types of the one or more parameters that should be passed to the graphical program when invoking execution of the graphical program; wherein said returning the information specifying the data types of the one or more parameters comprises returning the XML data describing the data types (0026], [0117]).
-

As per claim 7 the rejection of claim 3 is incorporated and further Kudukoli discloses:

- wherein said programmatically determining one or more parameters comprises programmatically determining default values of the one or more of the parameters [0255] and
- wherein said returning the information specifying the one or more parameters ~~for~~ comprises returning information specifying the default values[0146], [0152].

As per claim 8 the rejection of claim 1 is incorporated and further Kudukoli discloses:

- wherein said programmatically determining the invocation interface of the graphical program comprises programmatically analyzing one or more data structures representing the graphical program to determine the invocation interface of the graphical program ([035], [0102]).

As per claim 9 the rejection of claim 1 is incorporated and further Kudukoli discloses:

- wherein the graphical program comprises a plurality of interconnected nodes that visually indicate functionality of the graphical program ([0019]).
-

As per claim 10 the rejection of claim 1 is incorporated and further Kudukoli discloses:

- wherein the graphical program comprises a graphical data flow program ([0030]).

As per claim 11 the rejection of claim 1 is incorporated and further Kudukoli discloses:

- wherein the graphical program comprises a block diagram portion and a user interface portion (Abstract, [0030]).

As per claim 12 the rejection of claim 1 is incorporated and further Kudukoli discloses:

- wherein said receiving the request to determine the invocation interface of the graphical program comprises receiving an invocation of one of a method or a function (Abstract, [0031], [0026]).

As per claim 13 the rejection of claim 1 is incorporated and further Kudukoli discloses:

- wherein said receiving the request to determine the interface of the graphical program comprises receiving a message requesting the invocation interface of the graphical program ([0022], [0028]).

As per claim 15 Kudukoli discloses:

- storing program instructions executable by a processor to (Abstract, [0013], [0028], [0063], [0080]):
- programmatically request information specifying an invocation interface of a stored graphical program, wherein the invocation interface is usable to invoke execution of the graphical program ([0026], [0021], [0259]);
;
- receive the information specifying the invocation interface of the graphical program in response to the request, wherein receiving the information includes receiving information specifying one or more parameters that should be passed to the graphical program when invoking execution of the graphical program; and, wherein the information regarding the interface of the graphical program includes information for invoking execution of the graphical program; and
invoke execution of the graphical program using the received information specifying the invocation interface of the graphical program, wherein said invoking includes passing the one or more parameters to the graphical program (Abstract, [007], [0010], [0021], [0098], [0100], [0102], [100], [0102], [0144], [0261], ([0237], and [0238]).

As per claim 18 the rejection of claim 15 is incorporated and further Kudukoli discloses:

- wherein said receiving the information specifying the one or more parameters comprises receiving information specifying data types of the one or more parameters wherein said passing the one or more parameters to the graphical program comprises passing one or more parameters having the specified data types [066], [0100], [0237].

As per claim 19 the rejection of claim 15 is incorporated and further Kudukoli discloses:

- wherein said receiving the information specifying the one or more parameters comprises receiving information specifying default values of one or more of the parameters [0255]: and
- wherein said passing the one or more parameters to the graphical program includes passing one or more parameters having the default values specified by the information [0146], [0156].

As per claim 20 the rejection of claim 15 is incorporated and further Kudukoli discloses:

- wherein the graphical program comprises a plurality of interconnected nodes that visually indicate functionality of the graphical program [0019].

As per claim 21 the rejection of claim 15 is incorporated and further Kudukoli discloses:

- wherein the graphical program comprises a graphical data flow program [0019], [0030].

As per claim 22 the rejection of claim 15 is incorporated and further Kudukoli discloses:

- wherein said programmatically requesting the information specifying the invocation interface of the graphical program comprises calling one or more methods or one or more functions to request the information specifying the invocation interface of the graphical program [0104], [0117], [0134], [0237].

As per claim 23 the rejection of claim 15 is incorporated and further Kudukoli discloses:

- wherein said programmatically requesting the information specifying the invocation interface of the graphical program comprises programmatically requesting the information specifying the invocation interface of the graphical program comprises programmatically sending a message to request the information specifying the invocation interface of the graphical program ([0022], [028], [0104], [0117], [0134], [0237.
-

Claim 24 is rejected under the same reason set forth in connection of the rejection of claim 1 above.

As per claim 25 Kudukoli discloses:

- programmatically requesting information specifying an invocation interface of a stored graphical program, wherein the invocation interface is usable to invoke execution of the graphical program ([0026], [0021], [0259]);
  - receiving the information specifying the invocation interface of the graphical program in response to the request (Abstract, [0003], [0017], [0018]);
- wherein receiving the information includes receiving information specifying one or more parameters that should be passed to the graphical program when invoking execution of the graphical program; ([100], [0102], [0144], [0237], [0261]) ; and
  - invoking execution of the graphical program using the received information specifying the invocation interface of the graphical program, wherein said invoking includes passing the one or more parameters to the graphical program ([100], [0102], [0144], [0237], [0261]) .

Claim 26 is rejected under the same reason set forth in connection of the rejection of claim 25 above and further Kudukoli discloses the test executive application [0021].

Claim 27 is rejected under the same reason set forth in connection of the rejection of claim 1 above and further Kudukoli discloses a processor, a memory operable to the processor and the processor is operable to execute program instructions stored in the processor [0080], [0081], and [0082].

Claim 28 is rejected under the same reason set forth in connection of the rejection of claim 25 above and further Kudukoli discloses a processor, a memory operable to the processor and the processor is operable to execute program instructions stored in the processor [0080], [0081], and [0082].

Response to Arguments

9. Applicant's arguments filed on 8/18/2010 have been fully considered but they are not persuasive.

In the remark, the applicant has argued in substance:

(1) Kudukoli fails to teach "receive from a requesting program a request to determine an invocation interface of a stored graphical program, wherein the invocation interface is usable to involve execution of the graphical program".

Response:

(1) Kudukoli teaches the above limitation. In Abstract, Kudukoli teaches the GPG program, that automatically translate an existing program

(stored program that is already exist) (the **GPG program** may be a **program** or application operable to automatically translate an ***existing program*** into a graphical **program**. In addition to these examples, a **GPG program** may receive any other type of information and **programmatically** generate a graphical **program** based on the received information.. The GPG program receive the program information, (Abstract, "**(GPG) program, the GPG program** may be operable to receive the **program** information. In **response to the program** information") this program information is usable to involve execution of the graphical program [0028].

(2) Kudukoli teaches does not teach the graphical program already exist.

Response:

(2) Kudukoli teaches the graphical program already exist and GPG creates other graphical program with special functionality from an existing graphical program ([0030], "a **GPG** program operable to translate an **existing graphical program** to a new graphical program").

(3) Kudukoli fails to teach "programmatically determine the invocation interface of the graphical program in response to the request wherein programmatically determining the invocation includes programmatically determining one or more parameters that should be passed to the graphical program when invoking execution of the graphical program.

Response:

(3) Kudukoli teaches the above limitation. See the rejection of claim 1 above.

(4) Kudukoli fails to teach "return information specifying the invocation interface of the graphical program to the requesting program".
Response:
(4) Kudukoli teaches the above limitation in paragraph ([0237] and [0238]), where the invoke node invokes a method and this method is used to create (execute) the graphical program, once the selection was requested the associated parameters appear in the node (method) and the output terminal return the value of the method. It clearly shows "return information specifying invocation interface of the graphical program" as claimed.

(5) Kudukoli fails to teach the limitation of claim 15.

Response:
(5) Kudukoli teaches the limitation of claim 15. See the rejection of claim 15 above.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli Das whose telephone number is 571-272-3696.

The examiner can normally be reached on Monday-Thursday from 7:00 A.M. to 3:30 P.M and 7:30 P.M – 9:30 P.M (E.T).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Tuan Dam can be reached at 571-272-3695. The fax number for this group is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be

obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call (800) 786-9199 (in the USA or Canada) or (571) 272-1000.

/CHAMELI C. DAS/

Primary Examiner, Art Unit 2192

Dated: 10/9/10